

REMARKS

Interview Summary

Pursuant to 37 CFR §1.133(b), Applicants acknowledge with appreciation the telephonic interview with the Examiner on February 4, 2010 during which the following outstanding issues were discussed. In particular, Applicants discussed the rejection of claim 46.

Amendments to the Specification

Applicants have inserted information pertaining to the status of related applications, amended the Brief Description of the Drawings section to add sequence identifiers to the descriptions for Figures 2-4, and added an Abstract. Applicants respectfully submit that no new matter has been added.

Claim Amendments

Claims 19, 39, 40, 45-48, and 53 were pending in this application. Claims 46 and 47 have been amended. No claims have been canceled or added. Accordingly, claims 19, 39, 40, 45-48, and 53 will be pending upon entry of the instant response.

Support for the amendments to claim 46 and 47 may be found throughout the specification and claims as originally filed, and particularly at page 15, lines 9-13, page 50, line 1 through page 51, line 8, and page 54, lines 1-15, as well as throughout Examples 1-5. No new matter has been added.

Applicants acknowledge the withdrawal of the restriction requirement set forth in the Office Action mailed on March 19, 2008.

Applicants acknowledge and gratefully thank the Examiner for the indication that claims 19, 45, 48, and 53 are allowable, and also for the indication that the process claims 39, 40, 46, and 47 have been rejoined and examined on the merits.

OBJECTIONS

The Examiner has objected to the brief descriptions associated with Figures 2-4. Applicants have amended these descriptions to include SEQ ID NOs as requested by the Examiner. Applicants respectfully submit that this objection has been overcome and may be withdrawn.

The Examiner has also objected to the Abstract on the grounds that it was not submitted on a separate sheet of paper. Applicants hereby submit a replacement Abstract in accordance with MPEP § 608.01(b), as requested by the Examiner. Applicants respectfully submit that this objection may now be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 112

Claim 47 is rejected as lacking clarity under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner states that there is no antecedent basis because the term ‘condition’ was deleted from the parent claim. Based on the foregoing amendment of claim 47, this rejection should be moot.

Claims 46 and 47 are rejected under 35 U.S.C. § 112, first paragraph, as not being enabled. The Examiner has taken the position that the specification is not enabling for 1) a method of **diagnosing or monitoring a hypersensitivity** to a grass pollen; 2) obtaining **cells derived from the peripheral blood or from tissue biopsies of the mammal**; and 3) measuring **the activity** of the cells before and after step (b), wherein an increase in **activity indicates the presence or increase of hypersensitivity to grass pollen**.

Applicants respectfully disagree. However, to expedite prosecution, independent claim 46 has been amended as the Examiner suggests. Therefore, this rejection should be moot.

Claims 46 and 47 are also rejected for not meeting the written description requirement under 35 U.S.C. § 112, first paragraph. Specifically, the Examiner has taken the position that the application allegedly does not provide written description for 1) obtaining **cells derived from the peripheral blood or from tissue biopsies of the mammal** and 2) measuring **the activity** of the cells.

Applicants respectfully disagree. As indicated above, to expedite prosecution, independent claim 46 has been amended as the Examiner suggests. Therefore, this rejection should be moot.

CONCLUSION

Applicants respectfully submit that the application is now in condition for allowance. If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Applicants believe that no additional fee is due for this Amendment and Response. If another fee is due, the Commissioner is hereby authorized to charge any deficiencies which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. JKJ-003USRCE.

Dated: June 9, 2010

Respectfully submitted,

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